



City of McMinnville
Planning Department
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STAFF REPORT – Exhibit 2

DATE: May 16, 2019
TO: Planning Commission Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: CONTINUED PUBLIC HEARING: PDA 3- 18 and PDA 4-18 (Planned Development Amendments), and S 3-18 (Tentative Subdivision Plan) for Oak Ridge Meadows Development

STRATEGIC PRIORITY & GOAL:

 GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.	 HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.
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Report in Brief:

This is the continuation of a combined quasi-judicial hearing to consider three separate and distinct land-use applications for the Oak Ridge meadows housing development, but take all public testimony on these three applications during the combined public hearing. Premier Development, LLC, is requesting to amend two existing Planned Development Overlay Districts: 1) Oak Ridge – adopted in February, 2000 by Ordinance No. 4722; and 2) Oak Ridge Meadows – adopted in April, 2005 by Ordinance No. 4822, and the approval of a tentative subdivision plan.

These applications (PDA 3-18, PDA 4-18, and S 3-18) were presented at the April 18, 2019 Planning Commission meeting during a public hearing. Planning Commission opened the public hearing. Staff provided their report and recommendations on the applications, the applicant provided a presentation as well, and the planning commission listened to public testimony. The public hearing was continued to the May 16, 2019 Planning Commission meeting to allow for additional opportunity for public testimony on the applications.

Since the public record was kept open with the continuation of the public hearing, the Planning Department has received new information (a Frequently Asked Question sheet from the applicant) and testimony on the three land-use applications following the April 18, 2019 Planning Commission public hearing.

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 3-18
Attachment B: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 4-18
Attachment C: Decision, Findings of Fact and Conclusionary Findings for the Approval of S 3-18
Attachment D: Wetland Delineation Report
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In addition, after some additional review, staff is recommending some language changes to the conditions of approval to clarify any items that were not entirely clear. This staff report summarizes the land-use applications, the new information that was submitted and the proposed changes to the conditions of approval. The attached decision documents reflect the changes suggested.

Background:

Below is a summary of the three (3) land-use applications presented at the April 18, 2019 Planning Commission meeting.

- PDA 3-18, Oak Ridge Planned Development Amendment (Ordinance No. 4722).
- PDA 4-18, Oak Ridge Meadows Planned Development Amendment (Ordinance No. 4822).
- S 3-18, Tentative Subdivision Plan for Oak Ridge Meadows Planned Development Amendment

Planning Commission is making a recommendation to the City Council for the two Planned Development Amendments (PDA 3-18 and PDA 4-18), and is rendering the decision on the tentative subdivision plan (S 3-18). If the tentative subdivision plan is approved by the Planning Commission, due to timing, it will be contingent upon the City Council’s approval of the two planned development amendments.

PDA 3-18 considers the removal of the 11.47 acres of undeveloped land from the Oak Ridge Planned Development (Ordinance No. 4722), Tax Lot R44170300.

PDA 4-18 considers the addition of the 11.47 acres of undeveloped land removed from the Oak Ridge Planned Development to the current 24 acre Oak Ridge Meadows Planned Development (Ordinance No. 4822), Tax Lot R440700602, for a total of 35.47 acres, and the following amendments to the approved design and development standards of the Oak Ridge Meadows Planned Development.

- That the average lot size shall be amended from 7,500 square feet to approximately 7,770 square feet.
- That the setbacks be amended from:

Setbacks	Current	Proposed
Front Yard	20 feet	20 feet
Side Yard	Lots less than 6,000 square feet in area - 6 feet. All other lots – 7.5 feet.	5 feet
Exterior Side Yard	15 – 20 feet	10 feet
Rear Yard	20 feet	20 feet
Open Side of Garage	20 feet	20 feet

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- That side lot lines that do not run at right angles to the street upon which the lots face shall be allowed where necessary to respond to physical conditions of the site.
 - That the maximum block length be amended to 2,305 feet, with a maximum distance of 800 feet between pedestrian ways.
 - That a lot depth to width ratio exceed the recommended two (2) to one (1) ratio shall be allowed where necessary to respond to physical conditions of the site, not to exceed 2.75:1.
 - That a minimum 0.85 acre private active neighborhood park be provided and improved.
 - That a minimum 5.6 acre public open space greenway be dedicated and improved.

S 3-18 considers the approval of a tentative subdivision plan for 108 lots on the 35.47 acres in the amended Oak Ridge Meadows Planned Development Overlay District if PDA 3-18 and PDA 4-18 are approved.

See Figure 1 for a map showing the respective application boundaries. See Figure 2 for the proposed tentative subdivision. See Figure 3 for the identification of open space amenities in the proposed tentative subdivision.

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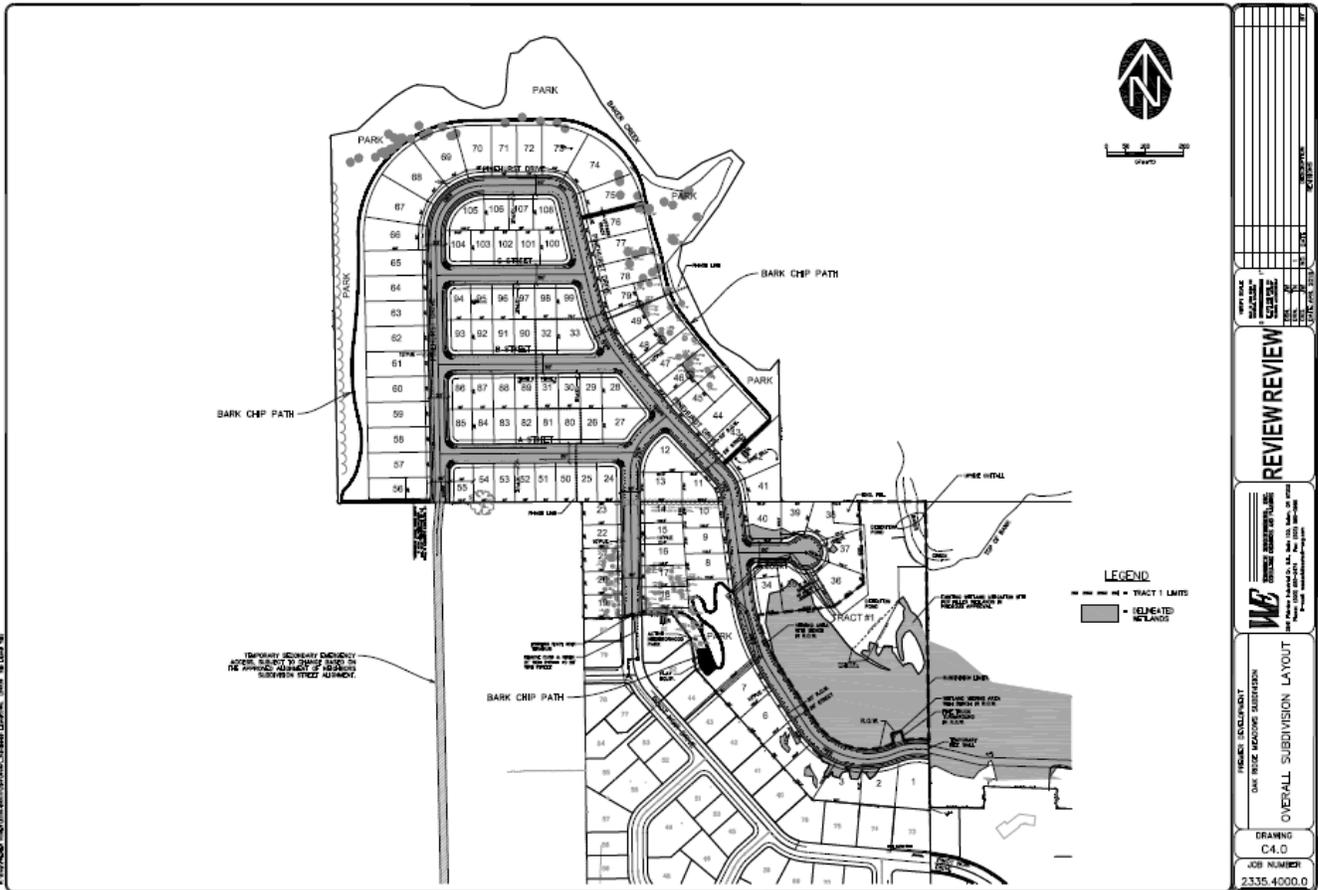
Figure 1. Subject site and application boundaries



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Figure 2. Proposed tentative subdivision layout



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Figure 3. Proposed open space amenities**Discussion:**

Attachments from the staff report for the April 18, 2019 Planning Commission public hearing for PDA 3-18, PDA 4-18, and S 3-18 have not been carried forward as attachments to this staff report for the May 16, 2019 continuation of the public hearing. All previous attachments are included in the record and are on file with the Planning Department. Previous documents and attachments can be found for viewing on the Planning Department website (<https://www.mcminnvilleoregon.gov/planning/page/planned-development-amendment-pda-3-18pda-4-18-subdivision-s-3-18>).

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Attachments to this staff report include documents not previously issued and new information and testimony received by the Planning Department since the April 18, 2019 public hearing. The Planning Department has received new submittals of information and testimony since the April 18, 2019 public hearing at the Planning Commission meeting, and discussion of the attachments and new submittals is below.

Decision Documents for PDA 3-18, PDA 4-18, and S 3-18, Revised (Attachments A, B, and C)

On April 17, 2019, the Planning Department received an Errata Memo from Premier Development, identifying editorial corrections and clarifications to the decision documents of the three (3) land-use applications. Staff has updated the decision documents for each of the land use applications as appropriate to correct errata and clarify the intent of some conditions. The specific revisions are provided below. Language removed from the original decision document is indicated by **strikethrough** and language added to the corrected decision documents is indicated by **underline**. Each editorial correction/clarification is followed by a staff comment describing the reason for the revision. The final decision documents reflecting these revisions are attached to this document.

PDA 3-18 Decision Document:

Summary of Criteria & Issues:

- Page 7: “The proposed **Oak Ridge Meadows and Oak Ridge Phase 4** subdivisions were not platted or constructed, and each tentative subdivision approval has expired.

Staff Comment: Added language clarifies that Oak Ridge, Oak Ridge 1st Addition, and Oak Ridge 2nd Addition subdivisions were platted and fully developed, and that only the tentative plans for Oak Ridge Meadows and the 11.47 acres have expired.

Conclusionary Findings:

- Page 16: “...and the tentative subdivision approvals for Oak Ridge **Phase 4** and Oak Ridge Meadows have since expired. The plans, though, remain a part of the zone.”

Staff Comment: Added language clarifies that Oak Ridge, Oak Ridge 1st Addition, and Oak Ridge 2nd Addition subdivisions were platted and fully developed, and that only the tentative plans for Oak Ridge Meadows and the 11.47 acres have expired.

- Page 19: “The concurrent or simultaneous construction of the two approved subdivisions did not occur due to economic recession, and the tentative subdivision approvals for Oak Ridge **Phase 4** and Oak Ridge Meadows have since expired. The plans, though, remain a part of the zone.”

Staff Comment: Added language clarifies that Oak Ridge, Oak Ridge 1st Addition, and Oak Ridge 2nd Addition subdivisions were platted and fully developed, and that only the tentative plans for Oak Ridge Meadows and the 11.47 acres have expired.

Conditions of Approval:

- Condition 1: “That Ordinance 4722 is amended to remove the subject site and property, Tax Lot R441701300, from the Oak Ridge Planned Development Overlay District, hereby

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adjusting the boundary of the Planned Development Overlay District. All other standards and conditions of approval adopted by Ordinance 4722 remain in effect. **exclusive of the 11.47 acres that are the subject of this Planned Development Amendment application (the unplatted fourth phase of Oak Ridge).**”

Staff Comment: Added language clarifies that the condition is not intended to bind the 11.47 acre parcel.

PDA 4-18 Decision Document:

Conditions of Approval:

- Condition 4: “The Planning Director is authorized to permit reductions ~~or increases~~ to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade.”

Staff Comment: Removed language clarifies that only decreases from approved setbacks would require approval. Setbacks are a minimum standard, and providing more than the minimum setback would not require authorization.

- Condition 9: “That a public open-space greenway along the length of Baker Creek, a minimum of 5.6 acres in area, be dedicated to the City. The public greenway shall generally follow Baker Creek and its drainages along the perimeter of the site so the greenway can connect to any future public open space along the Baker Creek greenway to the east and west of the site. A minimum of three (3) publically dedicated pedestrian/bicycle access **points ways** from the public street network to the greenway and a bark chip bicycle/pedestrian trail throughout the greenway shall be provided, constructed to City specifications. Public pedestrian/bicycle access **point ways, from the public right-of-way to the rear lot line of adjacent lots**, shall be 20 feet in width, with a 10 foot wide **multi-use concrete or asphalt** path built to City specifications **to be provided by the City to the developer/property owner** with a five foot buffer on each side, and minimum of (1) public pedestrian/bicycle access **point way** shall be improved to accommodate maintenance vehicles. **The public pedestrian/bicycle access ways will be designed to accommodate two-way bicycle and pedestrian traffic, and constructed for sustainability, durability, low-cost maintenance and easy access to the greenway trail.** A development plan for the greenway with the trail system and the access **points ways** shall be submitted to the City for review and approval of design and engineering prior to construction. The greenway, all pedestrian/bicycle access **points ways**, and trails shall be maintained by a Homeowner’s Association (HOA) until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City.”

Staff Comment: Modified language clarifies the extent and intent of the 10 foot wide public pedestrian/bicycle access ways that connect to the public greenway, coordinating language with Condition 36 of S 3-18, and allowing for future research on best

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practices for long-term sustainability, durability, maintenance and easy access on different topography.

- Condition 10: "That the majority of delineated wetland be preserved, and a minimum of two (2) wetland viewing areas that are accessible with seating be provided adjacent to the wetlands ~~inside~~ outside the common open space Tract 1. **The developer and the Homeowner's Association shall enter into a Revocable License Agreement with the City to establish and maintain wetland viewing areas in the right-of-way that are accessible, meet city specifications and are maintained by the developer and Homeowner's Association.**"

Staff Comment: Modified language clarifies that wetland viewing areas may be located in the public right-of-way, but are to be maintained by the HOA.

- Condition 13: "That existing trees with trunks wholly or partially within the planned area and greater than nine (9) inches DBH (Diameter at Breast Height) shall not be removed **by the applicant** without prior review and written approval by the Planning Director pursuant to Chapter 17.58 of the Zoning Ordinance. [...]"

Staff Comment: Added language clarifies the applicant's role in the tree removal process, recognizing that the applicant cannot control actions taken by adjoining property owners.

- Condition 14: "That a temporary emergency-only access be provided to serve the Oak Ridge Meadows development. The temporary emergency-only access shall be placed in an easement and will be graded and finished with compacted rock to applicable standards, and extend northward from the intersection of NW Shadden Drive and NW Baker Creek Road. ~~At such time that this adjacent land is to develop, this easement would then be revoked and public right-of-way be dedicated and improved to City standards providing a permanent second public street connection to the Oak Ridge Meadows development. At such time that the adjacent land is developed, the city intends to require the owner/developer of the adjacent land to dedicate sufficient public right-of-way and to establish a public city street on the owner/developer's property that provides an adequate vehicular connection to and between the southwesterly temporary terminus of NW Pinehurst Drive on the subject property and NW Baker Creek Road that adjoins such adjacent property. When such street is constructed by the adjacent property owner/developer and dedicated to the city as a public street, then the City shall require the developer of this adjacent property to dissolve this easement in favor of the subject property having unrestricted rights to access and use such public street connection on, to, and through the adjacent property.~~"

Staff Comment: Modified language clarifies that the applicant cannot control the City's approach to the adjacent property's development, or the actual development of the adjacent property, and to clarify the responsibility of dissolving the easement.

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Conclusionary Findings:

- Page 56: “A request to allow lots with larger than standard depth to width ratio **due to site shape and topography** would allow preservation of natural features (significant trees and slopes) by allowing larger lots in ecologically sensitive areas with buildable area away from sensitive natural features.

Staff Comment: Added language clarifies that the site’s shape and topography are the primary factor for requesting an increased lot depth to width ratio.

S 3-18 Decision Document:**Conditions of Approval:**

- Condition 2(C): It shall be the applicant's responsibility to relocate **street** trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting.

Staff Comment: Added language clarifies that only street trees need be relocated to accommodate driveways, utilities, etc... in the right-of-way, and that the condition does not apply to mature trees found on individual lots.

- Condition 3: “That a landscape plan, including landscaping and improvements in common area tracts, shall be submitted to the **McMinnville** Landscape Review Committee for their review and approval. [...]”

Staff Comment: Added language clarifies that condition refers to only the McMinnville Landscape Review Committee only.

- Condition 6: “That plat phasing is approved as depicted in the applicant’s submittal listed as Exhibit 6 in the applicant’s submittal and generally described as:
 - a. Phase 1 – Lots 1 through 49, the northerly extension of Pinot Noir Drive, Pinehurst Drive generally south of “B” Street, “A” Court, and the easterly portions of “A” and “B” Streets. **When required to meet applicable Fire Code requirements, homes shall be sprinkled.**
 - b. Phase 2 – The balance of Oak Ridge Meadows **inclusive of the temporary emergency-only access.**

~~This two phase plan shall be valid for a period of five years from the date of this approval. Both Phase 1 and Phase 2 shall be recorded for final plat within (5) years (two years for Phase 1 and a subsequent 3 years for Phase 2) from the date this decision is final without appeal and the decisions of PDA 3-18 and PDA 4-18 are final without appeal.~~ The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be

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approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners."

Staff Comment: Modified language addresses the possibility that S 3-18 could expire prior to the applicant's ability to record a final plat due to appeals. Phasing requirements are further defined.

- Condition 21: "That all streets within the **proposed** subdivision shall be improved with a 28-foot-wide paved section, curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. **Additionally, the applicant shall widen the existing cross-section of NW Pinot Drive north of Blake Street to 28-feet to be consistent with the local residential street standard.**

Staff Comment: Modified language clarifies that the widening of Pinot Noir Drive to City standards is a requirement.

- Condition 31: "That the Tentative Subdivision Plan, Phase One shall expire ~~one (1) year~~ **two (2) years** from the date ~~of this approval decision is final without appeal and the decisions of PDA 3-18 and PDA 4-18 are final without appeal.~~ If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval."

Staff Comment: Modified language syncs the expiration of the subdivision with the platting timeline established in Condition 6 of S 3-18.

- Condition 36: "Public pedestrian/bicycle access ~~paths ways, from the public right-of-way to the rear lot line of adjacent lots,~~ shall be 20 feet in width, with a 10 foot wide ~~multi-use concrete or asphalt~~ path built to City specifications **to be provided by the City to the developer/property owner** with a five foot buffer on each side, and minimum of (1) public pedestrian/bicycle access path to the greenway trail shall be improved to accommodate maintenance vehicles. **The temporary pedestrian/bicycle access way adjacent to Lot 56 shall be developed with a path consistent with the greenway trail.**"

Staff Comment: Modified language clarifies the extent of the 10 foot wide hard surface path within the public pedestrian/bicycle access ways that connect to the public greenway and establishes that the temporary access adjacent to Lot 56 need only be developed with a wood chip trail like that of the greenway.

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Wetland Delineation Report, Pacific Habitat Services, dated March 28, 2019 (Attachment D)

A Wetland Delineation Report was completed by Pacific Habitat Services for the proposed development on March 28, 2019, and submitted to Oregon Department of State Lands for approval on April 11, 2019. The wetland delineation indicates six potential wetlands and one potential water of the state on the subject site.

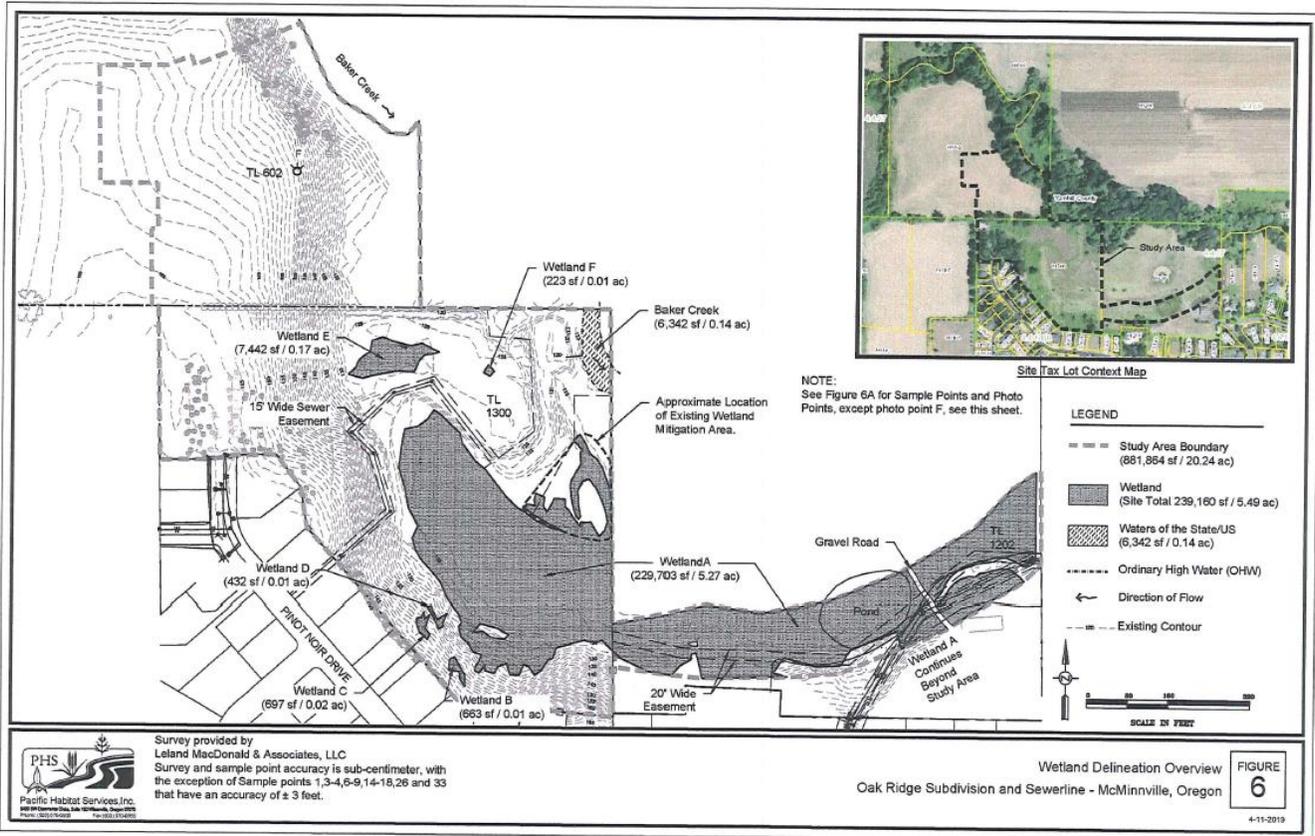


Table 2: Summary of Wetlands and Water Resources within the Study Area

Feature	Area square feet / acre	Cowardin Class	HGM Class
Wetland A	229,703 / 5.27	PEM1B	Slope
Wetland B	663 / 0.01	PEM1B	Slope
Wetland C	697 / 0.02	PEM1B	Slope
Wetland D	432 / 0.01	PEM1B	Slope

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Feature	Area square feet / acre	Cowardin Class	HGM Class
Wetland E	7,442 / 0.17	PEM1B	Slope
Wetland F	223 / 0.01	PEM1B	Slope
Baker Creek	6,342 / 0.14	R2UBH	Riverine Flow-Through
Total Wetland	239,160 / 5.49		
Total Waters	6,342 / 0.14		

Staff notes that the Study Area of the Wetland Delineation includes the adjacent property to the east of the subject site (Toth's property). The area of delineated wetland on the subject site was calculated to be 3.09 acres. The results of the wetland delineation report had been discussed at the April 18, 2019 public hearing, and the full document is attached to this staff report for reference.

Wetland Land Use Notification and Response, April 19, 2019 (Attachment E)

In response to a Wetland Land Use Notification filed by City staff with the Department of State Lands (DSL) on March 29, 2019, DSL provided a response on April 19, 2019 indicating that there are/may be water features on the site subject to Removal-Fill Law, and that a Federal permit may be required by the Army Corps of Engineers.

Frequently Asked Questions Sheet, Premier Development, May 3, 2019 (Attachment F)

On May 3, 2019, in response to issues raised during the April 18, 2019 public hearing, the applicant provided a Frequently Asked Questions (FAQ) Sheet, with an attached Downstream Floodplain Exhibit Map. The map illustrates the location of the proposed Oak Ridge Meadows subdivision and associated wetlands in relation to Baker Creek's regulatory floodway, 1% Annual Chance Flood Hazard Area, and 0.2% Annual Chance Flood Hazard Area. The flood hazard map used to overlay the proposed development and wetlands is the most current FEMA flood hazard map, updated in 2010. **See Figure 4: Downstream Floodplain Exhibit Map below.** Local points of reference are identified on the map, including Toth's baseball diamond and tennis courts, Mr. Robert's home (Mr. Robert's provided testimony at the public hearing), and the location of the flooded white fence photo. Staff would point out that Mr. Robert's testimony included photos of a flooded white fence near his house, but other images presented during public testimony show another flooded white fence, located at the western edge of Toth's property (west of the baseball diamond). This westernmost white fence is not indicated on Figure 4.

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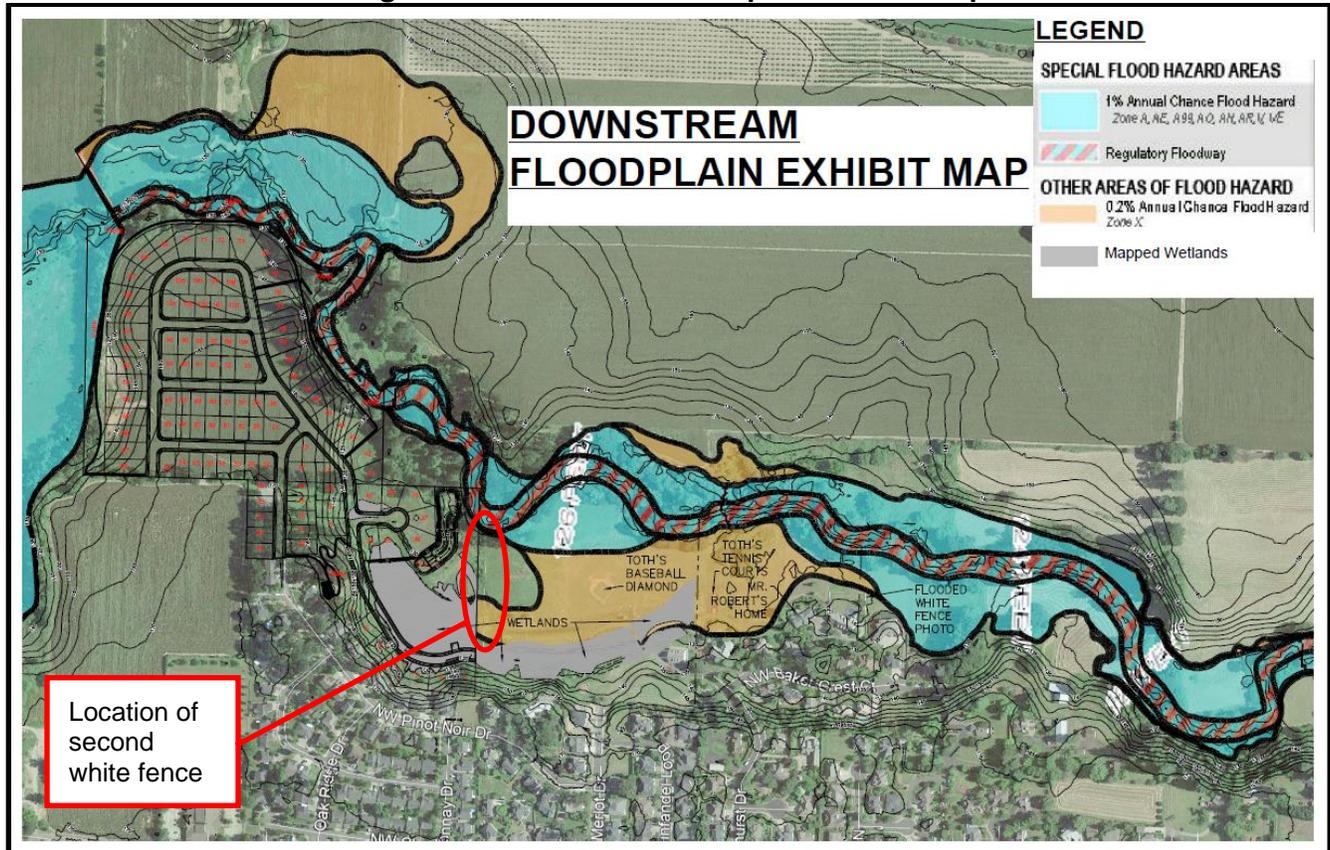
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Figure 4: Downstream Floodplain Exhibit Map



Supplemental Traffic Evaluation Memo, DKS Associates, May 9, 2019 (Attachment G)

The applicant provided a memo dated May 8, 2019 from Lacy Brown, Ph.D., P.E., DKS Associates providing supplemental evidence relating to traffic conditions with the proposed Oak Ridge Meadows development, addressing concerns raised at the April 18, 2019 Planning Commission public hearing. Additional observation and study of the level of service of the intersection of Oak Ridge Drive and Baker Creek Road was conducted. The memo indicates that the new field observations show that the current level of service for that intersection is better than what was predicted and reported in the Traffic Impact Analysis. The memo concludes that traffic impacts due to proposed development would be limited and all facilities would continue to meet City operating and design standards.

Baker Creek Hydrology Report, PBS, May 8, 2019 (Attachment H)

A hydrology report from PBS was prepared for Friends of Baker Creek, and submitted to the Planning Department on May 8, 2019.

It is important to note that the applicable zoning standards are those in effect at the time of application. Section 17.48010 of the McMinnville Zoning Ordinance establishes the area defined as the flood area zone:

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17.48.010 Established—Area included. In accordance with Section 17.09.010, all property within the corporate limits of the City lying within Special Flood Hazard Areas (100-year flood) identified by the Federal Insurance Administration in the report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas,” (effective date March 2, 2010), and accompanying Flood Insurance Rate Maps (FIRM) is declared to be flood area zone property and subject to the requirements of this Chapter. (Ord. 4921 §4A, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Therefore, the decision must be based on current FEMA mapping, dated March 2, 2010. The current FEMA map applicable to this application is seen below, with the subject site outlined in red:



There are several different procedures in federal law to make amendments to FEMA floodplain maps. These procedures, as listed on the FEMA website (FEMA.gov), include:

- FEMA-initiated map updates
- Community-initiated map revisions through Part 65 of the NFIP regulations
- Community-initiated map revisions through the CTP (cooperating technical partners) initiative

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- Map revision processing options

Small map amendments, typically affecting a single property, can be submitted for a Letter of Map Amendment (LOMA) or area can be removed from the floodplain through a LOMR-F (Letter of Map Amendment – Fill) if a site has been elevated above the base flood elevation with fill. These do not result in physical revisions and reprinting of entire map panels. For example, if a site within a floodplain is filled so the ground is above the base flood elevation (outside of the floodway), FEMA may issue a LOMR-F noting that the site is now above the base flood elevation and no longer within the floodplain.

Typically, other reviews that affect a small area, typically one map panel, would go through a Letter of Map Revision process (LOMR). This can typically be a 9 month to 1 year process once the application has been prepared and submitted.

Larger reviews that affect more than one map panel usually go through a Physical Map Revision (PMR) process. This involves a series of public meetings, and usually entails a 3 to 5 year process.

The hydrology report submitted by PBS studied factors affecting the extents of the floodplain around Baker Creek, and concluded that the effective flood insurance rate maps are in need of revision, based on current data and methodology. Several figures (see below) are provided in the report indicating the extent of the proposed 1% annual chance floodplain (100 year floodplain) that could be anticipated if the FEMA floodplain maps were updated. The report seems to indicate that based on the new study, the only lots that would be impacted by the new floodplain boundary would be Lots 61-64, north of the cul-de-sac. It appears that the southeasterly extension of Pinehurst Drive and the lots it would serve would not be impacted by the anticipated proposed floodplain.



Figure 22: Proposed Condition 100-year Maximum Water Surface Elevation (ft NAVD) Grid Result from RAS Mapper.

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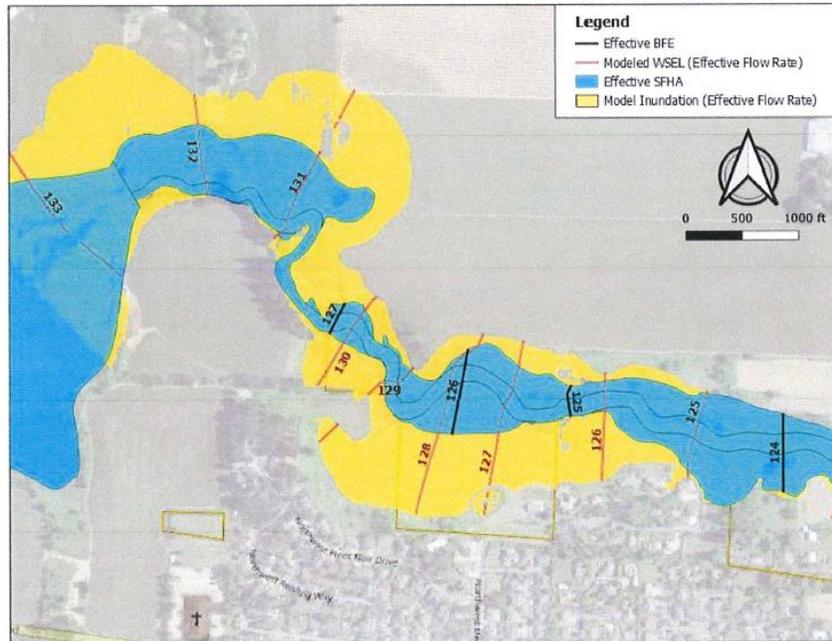


Figure 26: FEMA Effective SFHA and BFEs Overlain on Hydraulic Model Results for the Effective Flow Rate (2,030 cfs).

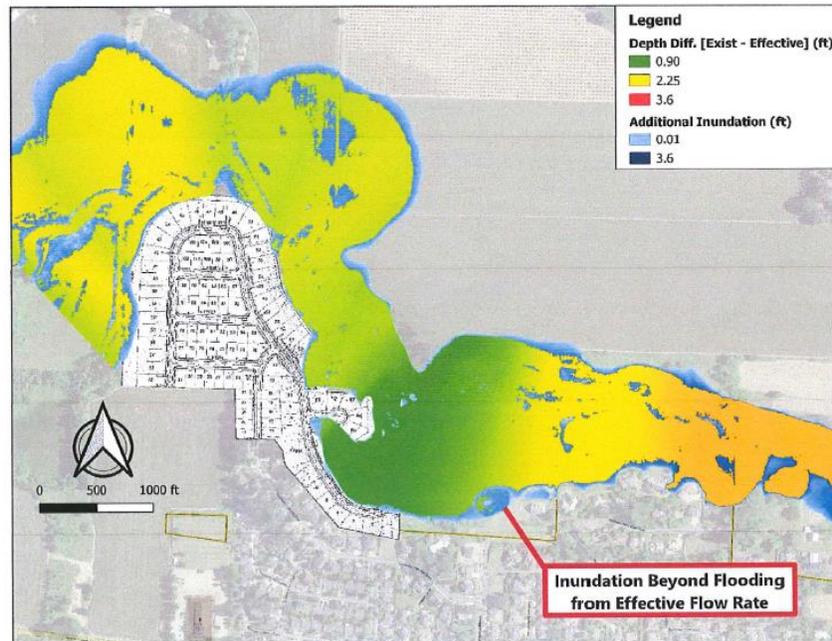


Figure 27: Difference Between Depth for Existing Condition (~6,150 cfs) and Depth for Modeled Effective Flow Rate (2,030 cfs).

If a process described above to update or revise the FEMA floodplain map for this area was completed prior to the development of the subdivision or individual lots, then areas impacted by the revised floodplain

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would be subject to the current zoning standards in place at that time, including any revised floodplain mapping.

New Public Testimony Since April 18, 2019 Public Hearing (Attachment I)

In addition to written testimony that was provided at the April 18, 2019 public hearing to accompany public testimony received from Mike Colvin, Gail Norby, Scott Wellman, and Bill Kabeiseman, eight (8) new testimonies have been received by the Planning Department prior to the issuance of this staff report on May 9, 2019. (Attachment F to this Staff Report).

- An online submission to the City of McMinnville website was received by the Planning Department on Monday, April 22, 2019. The submission was from Valerie Kelly, a McMinnville resident and retired USGS hydrologist with a PhD in Fisheries. The testimony suggests limiting the number of homes around the edges of the development so homes would not be built close to the wetland and floodplain limits. The testimony raises concerns of the data, or lack thereof, for Baker Creek streamflow used to generate floodplain maps. Staff notes that when creating floodplain maps in small watershed areas where streamflow gages are not typical, such as Baker Creek, FEMA uses methodology established in the National Engineering Handbook (Hydrology) to calculate runoff and streamflow.
- Helen Bitar, a Sheridan, Oregon resident, emailed testimony that was received by the Planning Department on Monday, May 6, 2019. The testimony raises concern about the loss of Oregon wetlands through development.
- Rodney and Judy Pedersen provided a letter on May 6, 2019 in opposition to the proposed development due to the traffic impact on the surrounding neighborhoods, and the impact of development on the lifestyle of the surrounding neighborhood.
- A letter from Michael and Sherill Roberts was received by the Planning Department on May 7, 2019. The letter expresses concern about the preservation of public safety and neighborhood livability during the construction process, specifically additional traffic, emergency vehicle access, and limited access to the emergency secondary access easement. The Roberts' suggest making permitting contingent on a permanent public street from Baker Creek Road (Shadden Drive) and completing center lane construction on Baker Creek Road prior to home construction in Oak Ridge Meadows. Staff notes that construction access through local residential streets is a typical situation in phased subdivisions. Traffic control systems (signage, parking, etc...) are evaluated by the Engineering Department for public safety concerns and traffic mobility. If a community member is concerned about traffic safety they can request a review of the street network in question through the Community Development Department, at which time the department will review the conditions based upon data collection and render a decision about the need for additional local controls. Currently the traffic impact analysis submitted by the applicant does not suggest the need for the construction of Shadden Drive until 108 dwelling units are constructed. A condition of approval has been drafted and included in the decision documents requiring the construction and dedication of Shadden Drive prior to the issuance of any building permits for more than 108 new dwelling units in the planned development.

Regarding the center turn lanes on Baker Creek Road, the City of McMinnville has plans to restripe Baker Creek Road in the summer of 2019. Construction on Oak Ridge Meadows Phase 1 homes, if approved, would occur after final plat which is anticipated to be completed in two (2) years.

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- Mike Colvin submitted a letter to the Planning Department on May 8, 2019 in opposition to the application impact of proposed development of traffic on Baker Creek Road.
- Mike Colvin submitted a second letter to the Planning Department on May 8, 2019, expressing opposition to the application based on Comprehensive Plan policies that do not support development on the 11.47 acre parcel and instead support it being left in a natural state for drainage and recreation.
- A letter from Steve and Catherine Olson on May 8, 2019 expressed opposition to the application based on impact of the proposed development on traffic, public safety, and existing Oak Ridge CC&Rs, and the desire to preserve the 11.47 acre parcel as a nature preserve.
- A letter from Rob Stephenson on May 8, 2019 expressed opposition to the application based on potential downstream flooding impact, and impact of the development on wetlands.

Attachments:

Attachments to the May 16, 2019 staff report include revised decision documents for Dockets PDA 3-18, PDA 4-18, and S 3-18 and materials received at and after the first public hearing held on April 18, 2019, and are listed below:

- A. Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 3-18 (revised)
- B. Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 4-18 (revised)
- C. Decision, Findings of Fact and Conclusionary Findings for the Approval of S 3-18 (revised)
- D. Wetland Delineation Report (on file with the Planning Department)
- E. Wetland Land Use Notification/Response (on file with the Planning Department)
- F. Frequently Asked Questions Sheet (on file with the Planning Department)
- G. Supplemental Traffic Evaluation Memo (on file with the Planning Department)
- H. Baker Creek Hydrology Report (on file with the Planning Department)
- I. Public Testimony Received (on file with the Planning Department)
 - a. Housing Land Advocates and Fair Housing Council of Oregon, Letter received April 17, 2019 (on file with the Planning Department)
 - b. Glen Westlund, Email received April 18, 2019 (on file with the Planning Department)
 - c. Mike Colvin, Letter received April 18, 2019 (on file with the Planning Department)
 - d. Carmen Mendenhall, Letter received April 18, 2019 (on file with the Planning Department)
 - e. Mike Colvin, Letter received April 18, 2019 (on file with the Planning Department)
 - f. Gail Norby, Letter received April 18, 2019 (on file with the Planning Department)
 - g. Scott Wellman, Letter received April 18, 2019 (on file with the Planning Department)
 - h. Bill Kabeiseman, Letter received April 18, 2019 (on file with the Planning Department)
 - i. Valerie Kelly, Email received April 22, 2019 (on file with the Planning Department)
 - j. Helen Bitar, Email received May 6, 2019 (on file with the Planning Department)
 - k. Rodney and Judy Pedersen, Letter received May 6, 2019 (on file with the Planning Department)
 - l. Michael and Sherill Roberts, Letter received on May 7, 2019 (on file with the Planning Department)

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- m. Mike Colvin, Letter received May 8, 2019 (on file with the Planning Department)
 - n. Mike Colvin, Letter received May 8, 2019 (on file with the Planning Department)
 - o. Steve and Catherine Olson, Letter received May 8, 2019 (on file with the Planning Department)
 - p. Rob Stephenson, Letter received May 8, 2019 (on file with the Planning Department)

Attachments to the April 18, 2019 staff report include the application, supplemental materials, and documents received prior to the first public hearing on April 18, 2019, and are listed below:

- A. Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 3-18
- B. Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 4-18
- C. Decision, Findings of Fact and Conclusionary Findings for the Approval of S 3-18
- D. Public Notices
- E. Agency Comments
- F. Public Testimony Received
- G. PDA 3-18/PDA 4-18/S 3-18 Application Materials

Attachments from April 18, 2019 staff report are on file with the Planning Department and were provided with the April 18, 2019 Planning Commission staff report for Dockets PDA 3-18, PDA 4-18, and S 3-18. Planning Commission meeting materials are available on the City of McMinnville website:

- <https://www.mcminnvilleoregon.gov/pc/page/planning-commission-meeting-62>

The PDA 3-18, PDA 4-18, and S 3-18 application, supplemental materials, and documents are available on the City of McMinnville Planning Department website:

- <https://www.mcminnvilleoregon.gov/planning/page/planned-development-amendment-pda-3-18pda-4-18-subdivision-s-3-18>

Commission Options for Planned Development Amendment Applications, PDA 3-18 and PDA 4-18. (Each to be voted on separately):

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Commission Options for Tentative Subdivision Plan Application, S 3-18:

- 1) Close the public hearing and vote to **APPROVE** the application per the decision document provided which includes the findings of fact.

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- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation:

Staff recommends approval of all three land-use applications with the conditions specified in the decision document. Recommended motions for each land-use application is provided below.

MOTION FOR PDA 3-18:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE PDA 3-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR PDA 4-18:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE PDA 4-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR S 3-18:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVE S 3-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

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